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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,756	10/04/1999	RAYMOND J. KRASINSKI	PHA-23.789	8769

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,756

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status:**

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-9, 11-14, 16-18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18, 20-22, 26 and 27 is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-9, 11-14, 16-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed 10/06/2004.
2. Claims 1-18, 20-28 are pending in the case. Claims 1, 6, 11, 16, 20, and 23-27 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4,6-9,11-14,23-25 and 28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over "XML Fragment Interchange, W3C Working Draft, 1999 June 30," herein referred to as W3C.**

**Regarding independent claim 1**, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion with in a package (p.23-24, example spanning the pages) W3C also discloses indicating where content nodes are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). The attribute "fragbodyref" of that fragbody tag is identifies that content node that is associated with that subtree (§5.4.3). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the

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definition of the “fcs” element on pages 12-13. W3C teaches that the content node and structure node exist independently of each other (p. 29, #4).

W3C does not explicitly disclose a method for sending the nodes. Philion discloses creating a stream of XML using servlet streaming techniques (p.2, para. 2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine modify W3C using Philion thereby creating the same XML as W3C but in Philion’s streams. This would have been desirable because it would not keep the user waiting for the full document (p. 2, para. 2) and it would have maximized efficiency by using servlets (p.1, para. 1 and 4).

**Regarding dependent claim 3,** W3C discloses a list of content nodes (p. 19, 5.4.3).

**Regarding independent claim 6,** W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion within a package (p.23-24, example spanning the pages). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). The attribute “fragbodyref” of that fragbody tag identifies that content node that is associated with that subtree (§5.4.3). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13. W3C teaches that the content node and structure node exist independently of each other (p. 29, #4). W3C does not explicitly mention decomposing the document into a plurality of trees however it would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality

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of sub-trees, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

W3C does not explicitly disclose a method for sending the nodes. Philion discloses creating a stream of XML using servlet streaming techniques (p.2, para. 2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine modify W3C using Philion thereby creating the same XML as W3C but in Philion's streams. This would have been desirable because it would not keep the user waiting for the full document (p. 2, para. 2) and it would have maximized efficiency by using servlets (p.1, para. 1 and 4).

**Regarding independent claim 11**, W3C discloses transmitting sub-trees (p.4, para. 1). W3C also discloses indicating where sub-trees are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). W3C teaches that the content node and structure node exist independently of each other (p. 29, #4). W3C does not explicitly mention decomposing the document into a plurality of trees. It would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees and send them independently, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

W3C does not explicitly disclose a method for sending the nodes. Philion discloses creating a stream of XML using servlet streaming techniques (p.2, para. 2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine modify W3C using Philion thereby creating the same XML as W3C but in Philion's streams. This would have

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been desirable because it would not keep the user waiting for the full document (p. 2, para. 2) and it would have maximized efficiency by using servlets (p. 1, para. 1 and 4).

**Regarding dependent claims 2, 7, and 12,** W3C is silent as to having templates. W3C does disclose fragmenting the whole document based on semantic separations, such as chapters (p. 25). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a template for the purpose of specifying how the structure and content nodes should be generated for the purpose of having semantically relevant fragments.

**Regarding dependent claim 13,** W3C discloses a list of content nodes (p. 19, 5.4.3).

**Regarding dependent claim 8,** W3C discloses a structure node with positioning information (p. 11-12):

**Regarding dependent claims 4, 9, and 14,** Content generated in real-time was by a textual input device was well-known in the art at the time of the invention, as applicant admits in Remarks filed on 3/25/2003 (p. 6), and would have been obvious to one of ordinary skill in the art for the purpose of typing up an XML document.

**Regarding dependent claim 19,** it would have been obvious to one of ordinary skill in the art at the time of the invention to continue processing since each sub-tree is a valid XML tree.

**Regarding independent claims 23-25,** the memories and processors for performing the methods of claims 1, 6, and 11, respectively, are rejected under the same rationale.

**Regarding dependent claim 28,** W3C discloses that the structure and content nodes are transmitted. W3C does not explicitly disclose transmitting them separately. It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit them separately

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as they were designed to be independent of each other (W3C, p. 29, #4), and further more as they both are merely text, they are more then capable of independent transmission.

5. **Claims 5, 10, and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over W3C as applied to claims 1, 6, and 11 above, and further in view of Dietz (USPN 6175820—filed 1/28/1999).**

**Regarding dependent claims 5, 10, and 15**, W3C is silent as to generating XML with a speech recognition system. Dietz teaches generating XML with a speech recognition system (col. 2, line 65 – col. 3, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dietz into W3C for the purpose of transmitting a textual representation of human voice.

***Allowable Subject Matter***

6. Claims 16-18, 20-22, and 26-27 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: The claims are allowable in light of Applicant's arguments on the continuous positioning of nodes, not the arguments on streaming XML.

***Response to Arguments***

8. Applicant's arguments filed 10/06/2004 have been fully considered but they are not fully persuasive.

**Regarding Applicant's remarks on Claims 1, 23, 2, 4, 6, 11, 24, 25:**

Applicant alleges that W3C fails to recite a list of content nodes. However, the attribute "fragbodyref" of that fragbody tag is identifies that content node that is associated with that subtree (§5.4.3).

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Applicant alleges that there is no stream. Philion discloses creating a stream of XML sing servlet streaming techniques (p.2, para. 2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine modify W3C using Philion thereby creating the same XML as W3C but in Philion's streams. This would have been desirable because it would not keep the user waiting for the full document (p. 2, para. 2) and it would have maximized efficiency by using servlets (p.1, para. 1 and 4).

**Regarding Applicant's remarks on claims 5, 10, and 15:**

Applicant alleges the base claims are allowable, arguments that have been addressed above.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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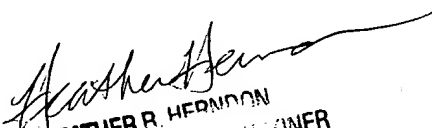
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

  
HEATHER R. HERNDON  
SUPERVISOR, EXAMINER  
TECHNOLOGY CENTER 4100